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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Implementation of)	CC Docket No. 96-98
the Local Competition Provisions in the)	
Telecommunications Act of 1996)	

COMMENTS OF MEDIAONE GROUP, INC.
IN RESPONSE TO
PETITIONS FOR RECONSIDERATION

Pursuant to section 1.429(g) of the Commission's rules, 47 C.F.R. § 1.429(g), MediaOne Group, Inc. ("MediaOne") responds to the petitions for reconsideration and/or clarification filed by certain other parties regarding the Commission's Third Report and Order and Fourth Further Notice of Proposed Rulemaking ("UNE Remand Order") in the above-captioned docket.^{1/} In particular, MediaOne opposes the petition for reconsideration filed by Bell Atlantic and expresses concern with the request for reconsideration filed by BellSouth. MediaOne also opposes Sprint's request for reconsideration of the Commission's decision to unbundle the calling-name ("CNAM") database.

In addition, MediaOne supports several discrete proposals that seek to clarify and expand the UNE Remand Order. Specifically, MediaOne urges the Commission to clarify the terms of the incumbent local exchange carriers' ("ILECs") duty to provide customized routing before they may withdraw OS/DA as an unbundled network element as requested by AT&T. MediaOne also supports MCI WorldCom's requests that the Commission: (1) clarify the scope of the rebuttable presumption that subloop unbundling is technically feasible; and (2) require that

^{1/} Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket Nos. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 99-238 (released Nov. 5, 1999) ("UNE Remand Order").

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ILECs provide competitive local exchange carriers (“CLECs”) with all of the relevant data needed for successful subloop unbundling. Adopting MediaOne’s proposed revisions will promote the primary goals of the UNE Remand Order -- removing uncertainty from the Commission’s rules and accurately redefining “the competitive landscape of telecommunications markets.” UNE Remand Order ¶ 4.

I. THE COMMISSION CORRECTLY CONCLUDED THAT AN ILEC MUST PERMIT CLECS TO CONNECT THEIR OWN LOOP FACILITIES TO ON-PREMISES WIRING THROUGH THE ILEC’S NETWORK INTERFACE DEVICE.

Bell Atlantic’s petition provides no basis to disturb the Commission’s determination that ILECs must provide unbundled access to the network interface device (“NID”). Bell Atlantic’s claim that the Commission has not conducted the reasoned analysis necessary for its revised position regarding NID interconnection is unsupported. Contrary to Bell Atlantic’s claims (at 11-13), the Commission’s decision to require that ILECs permit CLECs to connect their own loop facilities to on-premises wiring through the ILEC’s NID was based on a proper review of the record evidence and the correct application of the necessary and impair standard. See generally id. ¶¶ 232-40. The Commission explained repeatedly that lack of such unbundled access to the ILEC’s NID “impairs the ability of requesting carriers to provide the services it seeks to offer.” Id. ¶ 232.

The Commission has already analyzed and rejected Bell Atlantic’s argument that competing carriers should be required to access an ILEC’s NID only through an adjoining NID deployed by a competing carrier. On this issue, the Commission has stated:

We agree with those commenters that maintain that there are no economic or practical alternatives to the NID that would otherwise enable requesting carriers to provide service. NIDs are individually dedicated to specific customer premises, and are often difficult to replace. Requesting carriers’ ability to provide service to their customers would be materially

diminished if they had to self provision NIDs because of the significant labor and construction costs involved in visiting the premises of each customer and installing the device. This is true for all customers, but is particularly evident for residential and small business markets because of the greater number of NIDs required to provide service to each customer. We therefore conclude that requiring competitors to install numerous, redundant NIDs at the interface to customers premises wiring would also constitute a substantial economic and practical barrier to market entry, and a needless waste of carrier resources.^{2/}

In addition, the Commission appropriately concluded that while “there may be situations where a competitive LEC could successfully self-provision NIDs” the “benefits of unbundling the NIDs on a nationwide basis outweigh the costs of creating a patchwork regime in which incumbents will seek to litigate whether particular NIDs should be unbundled or whether an alternative to the incumbent LEC’s NIDs is arguably available as a practical, economic, and operational matter.” Id. ¶ 240. Bell Atlantic’s petition is nothing more than an attempt to increase the costs of competitive entry and materially delay facilities-based competition. Bell Atlantic provides no basis to disturb the Commission’s determination that unbundled access to the NID is required to ensure the development of facilities-based competition.

II. THE COMMISSION SHOULD NOT RECONSIDER ITS DECISION TO REQUIRE ILECS TO MAINTAIN A SINGLE POINT OF INTERCONNECTION AT MULTI-UNIT PREMISES.

The UNE Remand Order requires ILECs to maintain a single point of interconnection that “will be fully accessible and suitable for use by multiple carriers” if parties are unable to negotiate a reconfigured single point of interconnection at multi-unit premises. UNE Remand Order ¶ 226. In establishing this requirement, the Commission recognizes that the availability of

^{2/} UNE Remand Order ¶ 237 (footnotes omitted). Similarly, the Commission found that it was not persuaded by arguments that technical feasibility issues prevent the ILECs from providing access to subloop unbundling elements. UNE Remand Order ¶ 229.

a single point of interconnection at or near the property line of multi-unit premises can promote competition by minimizing the difficulties associated with CLECs serving multi-unit premises. See id. Moreover, the Commission's ruling provides predictability for competitors to make informed network investment decisions.

Bell Atlantic asks (at 13-15) that the Commission allow it, and other ILECs, to maintain multiple points of interconnection at multi-unit premises. This request, if adopted, would permit ILECs to place competitors at a serious disadvantage because it would require CLECs to comply with inefficient, expensive, and discriminatory interconnection practices at each multi-unit premises. Thus, the ILECs would have an increased incentive to maintain multiple points of interconnection and to resist negotiations to reconfigure a single point of interconnection at each multi-unit premises. In reality, however, there is no need for multiple interconnection points. As MediaOne previously explained in this proceeding,^{3/} the logical interconnection point between the loop distribution point and the network terminating wire^{4/} is usually in a wiring closet, garden terminal, or some other type of cross-connect facility, and is generally located at a minimum point of entry ("MPOE") to the building.

Predictable, efficient and non-disruptive access to an ILEC's network at the multi-unit premises is crucial to MediaOne's ability to reach customers living in such premises. No currently available technology provides an economically practicable alternative that would allow MediaOne to reach individual units via its own facilities.^{5/} Thus, the Commission should reject

^{3/} See MediaOne Ex Parte Letter, Network Terminating Wire Attachment at 1 (August 12, 1999).

^{4/} MediaOne defines network terminating wire ("NTW") to include the facilities, including the intrabuilding network cable and house and riser cable that extends from an ILEC's wiring closet, garden terminal or other cross-connect distribution point to the end user's point of demarcation. NTW is the last segment of the "field-side" loop facilities which, in multi-end user configurations, represents the point at which the network last branches out to serve individual end users.

^{5/} MediaOne Ex Parte Letter, Network Terminating Wire Attachment at 1 (August 12, 1999).

Bell Atlantic's proposal because it would seriously impair competition for local telephone services in multi-unit premises residences.

Moreover, Bell Atlantic's claim that compliance with the Commission's single point of interconnection rule would require it to build additional space (at 14) is simply untrue. Although Bell Atlantic claims that it would have to construct additional facilities, ILEC MPOE cross-connect blocks already exist in virtually all multiple-unit MPOE wiring closets.^{6/} Typically, MediaOne and other CLECs need only physical access to subloop wire pairs at the cross-connect point in the remote terminal, and not additional space.

In the few instances where a technically feasible single point of interconnection does not already exist, the Commission should reaffirm that ILECs must be required to construct a single point of interconnection that will be fully accessible and suitable for use by multiple carriers. UNE Remand Order ¶ 226. Contrary to Bell Atlantic's position, the responsibility for rearrangements needed to create a sub-loop interconnection point must remain with the ILEC because part of a sub-loop interconnection point necessarily includes cross-connect blocks that terminate ILEC distribution facilities, and certain customers continue to be served by the ILEC. Of course, to the extent that any network reconfiguration is required, the costs of the reconfiguration will be shared by the carriers concerned in accordance with the Act's pricing rules. Thus, whatever burden is imposed upon ILECs will be shared by CLECs and the benefits of the pro-competitive network configuration will inure to ILECs as well as to CLECs.^{7/}

^{6/} If such a sub-loop interconnection point did not already exist, the CLEC would not be allowed to simply sever multi-pair house/riser cables previously installed by the ILEC.

^{7/} BellSouth has also asked that the Commission reconsider the definition of inside wire adopted in the UNE Remand Order. While MediaOne is not necessarily opposed to some modification of the definition of inside wire adopted in the UNE Remand Order, it is concerned that BellSouth intends to apply the USOA definition of "intrabuilding network cable" to discriminatory effect. Indeed, providing unbundled access to the NTW (as defined by MediaOne, supra n. 4) eliminates discrimination only if the costs of such access (in time and money) approximate those of the ILECs. As the Commission thinks about modifying the definition of inside wire adopted in the UNE Remand Order, it must ensure that the ILEC

III. THE COMMISSION SHOULD REJECT SPRINT'S REQUEST FOR RECONSIDERATION OF THE COMMISSION'S DECISION TO UNBUNDLE THE CNAM DATABASE.

In the UNE Remand Order, the Commission reaffirmed its previous conclusion from the Local Competition Order^{8/} that access to call-related databases^{9/} is critical to entry in the local exchange market, and added an explicit guarantee of unbundled access to the Calling Name (“CNAM”) database^{10/} of each ILEC. UNE Remand Order ¶¶ 406, 410-11, 416-17. Specifically, the Commission found that: (1) lack of access to CNAM on an unbundled basis would materially impair the ability of a requesting carrier to provide the services it seeks to offer; and (2) access to the ILEC’s CNAM database is the “only practical way to ensure proper call flow” because the ILEC maintains unilateral control over information about customers of both requesting carriers and the ILEC. Id. ¶¶ 410-11, 416. Accordingly, the Commission correctly found that access to the CNAM database is “critical to permitting the seamless routing and completion of traffic both among competitors and between competitors and the incumbent LEC.” Id. ¶ 411.

In contrast, Sprint offers no reasonable rationale for the Commission to remove the CNAM database from the list of requirements at this time. Reiterating previous argument that

cannot add on charges or conditions that have the practical effect of impairing competition to multi-unit premises. Accordingly, MediaOne expressly reserves the right to supplement its response to address this issue in further detail.

^{8/} Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, FCC 96-325, 11 FCC Rcd 15499, 15741-42 (rel. Aug. 8, 1996) (“Local Competition Order”) aff’d in part and vacated in part by Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), aff’d in part and rev’d in part by AT&T Corp. v. Iowa Utils. Bd., 525 U.S. 366 (1999) (defining elements of the local loop).

^{9/} Call-related databases are databases that supply information or instructions used for “billing and collection, or used in the transmission, routing or other provision of telecommunications service.” See id. ¶ 459; see also 47 C.F.R. § 51.319(e)(2).

^{10/} The CNAM database contains the name of the customer associated with a particular number. It is used to provide Caller ID and related services. UNE Remand Order ¶ 406.

the Commission has already analyzed and rejected,^{11/} Sprint claims (at 16) that there are alternative providers of the CNAM database. In fact, third party suppliers do not have timely or reliable access to ILEC database information that CLECs need in order to provide a functionally equivalent service. UNE Remand Order ¶ 416 & n.817. The Commission appropriately rejected similar arguments in the UNE Remand Order and it should do so again now.

IV. THE COMMISSION SHOULD CLARIFY THE TERMS OF THE ILECS' OBLIGATION TO PROVIDE CUSTOMIZED ROUTING AND THE STEPS THEY MUST TAKE BEFORE WITHDRAWING OS/DA AS AN UNBUNDLED ELEMENT.

In the UNE Remand Order, the Commission held that ILECs need not offer access to their Operator Services and Directory Assistance (“OS/DA”) services, so long as they provide customized routing to requesting carriers that use unbundled switching. Id. ¶¶ 441, 462-63. The Commission stressed “that customized routing is necessary to access alternative sources of OS/DA for competitors not deploying their own switches.” Id. ¶ 462. To accomplish this goal, an ILEC must provide customized routing “at any technically feasible point” and on terms that are “just, reasonable and nondiscriminatory.”^{12/}

The availability of customized routing is an essential prerequisite of CLECs’ use of alternative OS/DA services. As the Commission has recognized, customized routing “permits requesting carriers to designate the particular outgoing trunks associated with unbundled switching provided by the incumbent and thereby “to specify that OS/DA traffic . . . terminate at the requesting carrier’s OS/DA platform or a third party’s OS/DA platform.” UNE Remand Order ¶ 441 n.867. Thus, customized routing is, for all practical purposes, a building block for

^{11/} Id. ¶¶ 406, 410-11, 416-17.

^{12/} 47 U.S.C. § 251(c)(3); see also 47 C.F.R. §§ 51.307, 51.311, 51.313.

the delivery of competitive OS/DA: “the lack of customized routing effectively precludes [carriers] from using alternative OS/DA providers.” *Id.* ¶ 463.

Nevertheless, as demonstrated in AT&T’s Petition for Reconsideration (at 23), the provision of customized routing may be subject to gamesmanship unless the Commission clarifies that ILECs may not impose unreasonable terms upon any customized routing alternative. The Commission must ensure that incumbents do not create burdensome requirements to block the provision of customized routing. To avoid the increased occurrence of anti-competitive requirements that have no basis in technology, the Commission must unequivocally state that incumbents may not construct roadblocks when competitors seek alternative OS/DA. MediaOne, therefore, supports the clarifications sought by AT&T because they are necessary to ensure that ILEC actions do not disrupt the competitive delivery of OS/DA.

V. THE COMMISSION SHOULD CLARIFY THE SCOPE OF THE REBUTTABLE PRESUMPTION THAT SUBLOOP UNBUNDLING IS TECHNICALLY FEASIBLE.

MCI WorldCom seeks clarification that ILEC challenges of rebuttable presumptions in the Commission’s rules regarding technical feasibility of subloop unbundling are appropriate in any state proceeding to the Act, not only in state arbitration proceedings. This clarification will avoid ILEC misrepresentations that the Commission’s rules exclude state collaborative processes or other effective means of dispute resolution that, in fact, are consistent with the 1996 Act and the Commission’s rules. MediaOne, therefore, concurs with MCI WorldCom that the phrase “pursuant to state arbitration proceedings under section 252 of the Act” in both rules be modified to read “pursuant to a state process consistent with the Act.”^{13/} Any other interpretation would

^{13/} MCI WorldCom Clarification Petition at 21.

provide ILECs with the means to delay resolution of subloop unbundling issues in an anti-competitive manner.

VI. THE COMMISSION SHOULD REQUIRE THAT ILECS PROVIDE CLECS WITH ALL THE RELEVANT DATA NEEDED FOR SUCCESSFUL SUBLOOP UNBUNDLING.

While the Commission has supported the concept of subloop unbundling, its rules should be strengthened to ensure that ILECs provide CLECs with all information needed to make subloop unbundling operational.^{14/} In particular, CLECs must have access to information regarding the location, capacity, capability, and availability of remote terminating points and other facilities. MediaOne, therefore agrees with MCI WorldCom that the Commission should reconsider and modify its UNE Remand Order to add rules to identify the specific obligations of the ILECs to provide all relevant data needed for CLECs operationally to interconnect with the ILEC network using subloop unbundling. Without this information, CLECs cannot be expected to plan and implement interconnection with the ILEC network at the subloop level.

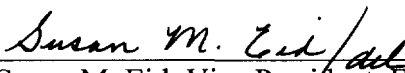
^{14/} MCI WorldCom Reconsideration Petition at 23-24.

CONCLUSION

For the foregoing reasons, MediaOne respectfully requests that the Commission clarify, or, as necessary, reconsider and modify, its UNE Remand Order as specified by MediaOne in this Response in order to encourage the rapid deployment of competition in the market for local telecommunications services.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, D. Ellen Love, hereby certify that on this 22nd day of March, 2000, I caused the required number of copies of the foregoing "Comments of MediaOne Group, Inc., in Response to Petitions for Reconsideration" to be sent to the following via hand-delivery* or first class mail:

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